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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,263	10/27/2003	Chinnugounder Senthilkumar	10559-650002	4695
20985	7590	03/29/2004	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			SHINGLETON, MICHAEL B	
			ART UNIT	PAPER NUMBER
			2817	

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,263

Applicant(s)

Senthil Kumar et al.

Examiner

SHINGLETON

Group Art Unit

2817

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 10/27/2003
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 19 + 20 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 19 + 20 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-440, Paper No(s) 10-27-03
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☒ Other Copy of previously submitted 892's

Office Action Summary

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 19 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Plangger et al. 4,582,434 (Plangger).

Figures 1 and 2 of Plangger provides for the claimed method steps of at least claim 19. This includes the step of generating a system time signal using a real time clock circuit composed of at least element 104 that has a tunable oscillator composed of at least element 98 for adjusting an operation frequency of the real time clock circuit. The system time signal is internal to the processor 80 (See column 7). This processor receives a reference time signal over a network. The particular network that Plangger uses happens to be the WWV network. The examiner must give the broadest reasonable interpretation to the claimed invention consistent with the specification. It is accordingly noted that applicant has not defined the term “network” in the specification and thus the common everyday definition of this term applies. Plangger clearly describes in column 8 how the variable capacitance element 98 of the tunable oscillator is controlled so as to adjust the tunable oscillator in order to increase or decrease the operating frequency of the real time clock circuit in response to a difference between the system time signal and the reference time signal.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Plangger et al. 4,582,434 (Plangger) in view of Clarke US 6,337,604 (Clarke).

Plangger utilizes a single adjustable capacitor namely a varactor diode 98 to vary the capacitance of the tunable oscillator that generates the real time clock signal used by the processor. Claim 20 recites a set of control signals to modify the selection of a set of capacitors within a capacitor bank so as to from a variable capacitor used in the real time clock circuit that in turn whose variations correlates to the changes in operation frequency of the real time clock circuit. As evidenced by Clarke, one art recognized variable capacitance structure that is used to control the frequency of an oscillator that is used as a clock is the plurality of independently selectable on-chip capacitors (Note elements C1-C6 and the corresponding control signal D₀-D₅).

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced the variable capacitor with one that is composed of a plurality of capacitors each switched given the art recognized equivalence of the two capacitor arrangements as taught by Clarke.

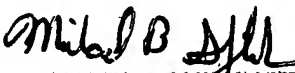
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Webster's Ninth Collegiate Dictionary discloses the common definition of the term network. In particular, a plurality of radio stations forms a "network". The WWV stations thereby clearly form a "network" that Plangger uses to receive the "reference time signal" so as to adjust the real time clock.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael B. Shingleton whose telephone number is 571-272-1770. The examiner can normally be reached on Monday-Thursday from 8:00 to 4:30. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal, can be reached on (571)-272-1769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

MBS
March 18, 2004


MICHAEL B SHINGLETON
PRIMARY EXAMINER
GROUPART/INT 2817